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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ABHINAV BHATNAGAR,

Plaintiff,

vs.

JASON INGRASSIA, individually and in
his official capacity; COUNTY OF
CONTRA COSTA; and CITY OF
SAN RAMON.

Defendants.

Case No.: Case No. CV07-02669 (CRB)

**AFFIDAVIT OF JENNY HUANG
IN SUPPORT OF PLAINTIFF'S
MOTION *IN LIMINE***

I, JENNY HUANG, state under penalty of perjury as follows:

1. I am counsel for Plaintiff Abhinav Bhatnagar in the above-referenced action. I submit this affidavit in support of Mr. Bhatnagar's motion *in limine* seeking to admit evidence of prior judicial findings against the defendants in this case.

Mr. Bhatnagar's Criminal Case

2. As a result of his arrest on May 20, 2006, Mr. Bhatnagar was required to defend himself against criminal charges of driving under the influence of alcohol. In his defense, Mr. Bhatnagar's public defender moved to suppress the evidence against him, including any

1 observations by the officers, any statements by Mr. Bhatnagar, and any other evidence obtained
2 as a result of the unlawful search and seizure. A true and accurate copy of Mr. Bhatnagar's
3 motion to suppress is attached here to as Exhibit 1.

4
5 3. The district attorney opposed Mr. Bhatnagar's motion to suppress. A true and
6 accurate copy of the district attorney's brief in opposition to the suppression motion is attached
7 hereto as Exhibit 2.

8
9 4. On November 27, 2006, a hearing was held on the motion to suppress and the
10 Honorable Charles Treat ruled in Mr. Bhatnagar's favor. A true and accurate copy of the entire
11 transcript of that hearing is attached hereto as Exhibit 3.

12
13 5. I have reviewed a copy of Mr. Bhatnagar's criminal file and did not see any
14 indication that the prosecution appealed Judge Treat's order dated November 27, 2006.

15 Mr. Bhatnagar's License Suspension

16
17 6. On July 26, 2006 and October 11, 2006, Plaintiff was required to defend himself
18 against the suspension of his license during hearings before the Department of Motor Vehicles
19 ("DMV"). A true and accurate copy of the transcript from those hearings are attached hereto as
20 Exhibit 4.

21
22 7. By decision issued on October 16, 2006, the DMV hearing officer concluded that
23 the suspension of Plaintiff's driver's license was warranted and would remain in effect for an
24 additional four months. However, after the criminal charges against Plaintiff were dismissed, the
25 district attorney submitted a sworn statement to the DMV, stating that probable cause for the
26 stop was insufficient. A true and accurate copy of the district attorney's sworn statement is
27 attached hereto as Exhibit 5.

28
8. On March 30, 2007, DMV Hearing Officer Beireis-Molnar conducted a rehearing
on the suspension of Plaintiff's driver's license. A true and accurate copy of the transcript from
that hearing is attached hereto as Exhibit 6.

1 9. Upon that decision was set aside by the DMV on March 30, 2007 upon rehearing. A
2 true and accurate copy of the final decision on March 30, 2007 by the DMV to set aside the
3 suspension of Plaintiff's driver's license is attached hereto as Exhibit 7.

4 Mr. Bhatnagar's Traffic Citation Issued on Sept. 29, 2006

5 10. On March 5, 2007, Contra Costa County Commissioner Joel Golub conducted a
6 hearing on the traffic citation issued by Defendant Ingrassia on September 29, 2006. A true and
7 accurate copy of the transcript from that hearing is attached hereto as Exhibit 8.

8
9 11. On March 14, 2007, Commissioner Golub found Plaintiff not guilty of the traffic
10 violation and dismissed the citation against him. A copy of the minute order from *People v.*
11 *Abhinav Bhatnagar*, Case No. 968674-2, on March 14, 2007 is attached hereto as Exhibit 9.

12 Raymond Eli's Suppression Hearing

13
14 12. On February 5, 2007, Contra Costa County Superior Court Judge William Kolin
15 conducted a hearing on Raymond Eli's motion to suppress. A true and accurate copy of the
16 transcript from that hearing is attached hereto as Exhibit 10.

17 Richard Smith's Suppression Hearing

18
19 13. On August 8, 2007, Contra Costa County Superior Court Judge Nancy Stark
20 conducted a hearing on Richard Smith's motion to suppress. A true and accurate copy of the
21 transcript from that hearing is attached hereto as Exhibit 11.

22 Internal Affairs Investigation

23 14. On August 30, 2006, Deputy Public Defender Diana Garrido mailed a letter that
24 was forwarded to the Contra Costa County Sheriff's Department. On Plaintiff's behalf, Ms.
25 Garrido advised the Sheriff's Department of numerous threatening and harassing phone calls
26 received by Plaintiff, as well as possible police intimidation of Plaintiff's witness, Richard Ha.
27 A true and accurate copy of Ms. Garrido's letter is attached hereto as Exhibit 12.
28

1 15. By letter dated September 13, 2006, the Sheriff's Department advised Ms.
2 Garrido that the allegations of misconduct against Defendant Ingrassia were referred to the
3 Department's Professional Standards Unit/Internal Affairs Unit ("IA") for investigation. A true
4 and accurate copy of this letter is attached hereto as Exhibit 13.

5
6 16. By letter dated September 29, 2006, Ms. Garrido immediately informed IA that
7 Defendant Ingrassia harassed and retaliated against Plaintiff by conducting a traffic stop of
8 Plaintiff and issuing him a traffic citation based on the repeated and false allegation that Plaintiff
9 made an illegal u-turn. A true and accurate copy of this letter is attached hereto as Exhibit 14.

10
11 17. On December 1, 2006, Ms. Garrido advised IA of Judge Treat's findings in
12 Plaintiff's criminal case. A true and accurate copy of this letter is attached hereto as Exhibit 15.

13 18. I represented Plaintiff at his interview on January 19, 2007 with two internal
14 affairs investigators at the Sheriff's Department.

15 19. During the course of the two-hour interview, the investigators primarily focused
16 their questioning on facts related to the basis for Plaintiff's arrest, although those facts had
17 already been litigated in Plaintiff's favor in his criminal case. The investigators asked Plaintiff
18 very few questions about his allegations of harassment and retaliation against Defendant
19 Ingrassia.
20

21 20. At the conclusion of the interview of Plaintiff, I requested that the investigators
22 advise Defendant Ingrassia that he is not to have any communications with Plaintiff. I was
23 assured by Sergeant Anderson that Defendant Ingrassia would be so advised.
24

25 21. During my questioning of Defendant Ingrassia at the traffic court hearing on
26 March 5, 2007, Defendant Ingrassia testified that he was never advised by anyone with the
27 internal affairs division that he was not to have any communications with Plaintiff.
28

